

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4  
5 LEMAR GANT,

6 Plaintiff,

7 vs.

8 BRIAN WILLIAMS, *et al.*,

9 Defendants.

2:16-cv-00011-JAD-VCF

**ORDER**

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11 Before the court is Motion to Produce Court Order Ordering Marshal to Serve Complaint and  
12 Summons (ECF No. 43). Defendants filed a response on June 14, 2017 and Gant filed his reply in support  
13 of his motion. (ECF Nos. 45 and 46).

14 On October 5, 2016, the Court issued an order scheduling the matter for an inmate early mediation  
15 conference. (ECF No. 8). The conference was held on December 2, 2016, and the parties did not settle.  
16 (ECF No. 9). The Court issued an order on December 12, 2016, granting the motion to proceed in forma  
17 pauperis (ECF No. 1), and ordering service on the defendants. (ECF No. 13). On December 29, 2016, the  
18 Attorney General filed a notice of acceptance of service on behalf of defendants “Sean Bloomfield,  
19 Tasheena Sandoval, Harold Byrne, Paul Hunt, Douglas Thrasher, Brian Williams, and Michael Pichardo”  
20 and did not accept service on behalf of Defendants Johnson, Eric Brcic (incorrectly named as “Brck” in  
21 the Complaint) and Chipso. The last known address of Eric Brcic was filed under sealed. (ECF Nos. 12  
22 and 13). On April 11, 2017, the Court held a hearing and granted Plaintiff’s Motion to Properly Identify  
23 Defendants Not Served. (ECF No. 17). The Court issued Summons to Brcic and Johnson with addresses  
24 provided under seal by the Attorney General. These Summons and Amended Complaint were sent the  
25 U.S. Marshal for service. (ECF No. 37). The clerk also sent a blank USM 285 form to the plaintiff. Mr.

1 Gant had 20 days to send the completed USM 285 form to the U.S. Marshal. When plaintiff receives back  
2 from the U.S. Marshal the USM 285 form, he had 20 days to file with the clerk a notice regarding service  
3 on the defendants. *Id.* To date, Plaintiff has not filed with the clerk's office a notice regarding service on  
4 the defendants and nor has the returned service on the Summons been filed with the Court.

5 Plaintiff now files his motion asking the Court to order the U.S. Marshal to serve the Complaint  
6 and Summons on Defendants Brcic and Johnson. (ECF No. 43).

7 In the Attorney General's response to the instant motion, "Defendants have already provided this  
8 Court with the last known addresses under seal for Defendants Brcic and Johnson." (ECF No. 45).  
9 Defendants do not have alternative addresses for Defendants Brcic and Johnson.

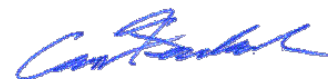
10 On April 18, 2017, the Court has already ordered the U.S. Marshal to serve the Summons and  
11 Amended Complaint to Defendants Brcic and Johnson at their last known addresses provided under sealed  
12 by the Attorney General's office. (ECF No. 37). No new addresses have been provided to the Court.

13 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.  
14 If "the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court  
15 must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m). The amended complaint  
16 was filed on July 20, 2016. (ECF No. 5). The time to serve a defendant with the amended complaint has  
17 passed and Plaintiff has not provided good cause to extend the time to serve Defendants Brcic and Johnson.

18 Accordingly,

19 IT IS HEREBY ORDERED that Motion to Produce Court Order Ordering Marshal to Serve  
20 Complaint and Summons (ECF No. 43) is DENIED.

21 DATED this 4th day of August, 2017.

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24 CAM FERENBACH  
25 UNITED STATES MAGISTRATE JUDGE